

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 77, Page 1, Line 3 in the Title, by deleting all of said line and inserting in
2 lieu thereof "to children."; and

3
4 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the
5 following:

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7 "160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

8 2. "Bullying" means intimidation or harassment that causes a reasonable student to fear for
9 his or her physical safety or property; substantially interferes with the educational performance,
10 opportunities, or benefits of any student without exception; or substantially disrupts the orderly
11 operation of the school. Bullying may consist of but is not limited to physical actions, including
12 gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation
13 for reporting of such acts. Bullying is prohibited by students on school property, at any school
14 function, or on a school bus. "Cyberbullying" is bullying as defined in this subsection through the
15 transmission of a communication, including, but not limited to, a message, text, sound, or image by
16 means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other
17 wireless communication device, computer, or pager.

18 3. Each district's antibullying policy shall be founded on the assumption that all students
19 need a safe learning environment. Policies shall treat all students equally and shall not contain
20 specific lists of protected classes of students who are to receive special treatment. Policies may
21 include age-appropriate differences for schools based on the grade levels at the school. Each such
22 policy shall contain a statement of the consequences of bullying.

23 4. Each district's antibullying policy shall require, at a minimum, the following components:

24 (1) A statement prohibiting bullying, defined no less inclusive than that in subsection 1 of
25 this section;

26 (2) A statement requiring district employees to report any instance of bullying of which the
27 employee has firsthand knowledge[. The district policy shall address training of employees in the
28 requirements of the district policy.], has reasonable cause to suspect that a student has been subject to
29 bullying, or has received a report of bullying from a student. The policy shall be included in the
30 student handbook. The school district administration shall notify the parents or legal guardians of
31 the individual alleged in the report to be responsible for the bullying incident and the parents or legal
32 guardians of the target of the bullying incident;

Action Taken _____ Date _____

1 (3) A procedure for reporting an act of bullying, including a provision that permits a person
2 to report an act of harassment, intimidation, or bullying anonymously. However, this shall not be
3 construed to permit formal disciplinary action solely on the basis of an anonymous report;

4 (4) A procedure for prompt investigation of reports of serious violations and complaints,
5 identifying either the principal or the principal's certified staff designee as the person responsible for
6 the investigation;

7 (5) The range of ways in which a school will respond once an incident of bullying is
8 confirmed;

9 (6) A statement that prohibits reprisal or retaliation against any person who reports an act of
10 bullying and the consequence and appropriate remedial action for a person who engages in reprisal
11 or retaliation;

12 (7) A statement of how the policy is to be publicized;

13 (8) A process for discussing the district's antibullying policy with students and training
14 school employees and volunteers who have significant contact with students in the requirements of
15 the policy, including at a minimum the following statements:

16 (a) The policy shall be conspicuously posted throughout each school building in areas
17 accessible to students and staff members;

18 (b) The school district annually shall provide information and any appropriate training to the
19 school district staff regarding the policy;

20 (c) The school district shall give annual notice of the policy to students, parents or guardians,
21 and staff;

22 (d) The school district shall provide education and information to students regarding
23 bullying, including information regarding the school district policy prohibiting bullying, the harmful
24 effects of bullying, and other applicable initiatives to prevent bullying;

25 (e) The administration of the school district shall implement programs and other initiatives
26 to prevent bullying, to respond to such conduct in a manner that does not stigmatize the victim, and
27 to make resources or referrals available to victims of bullying;

28 (f) The policy shall be reviewed at least annually for compliance with state and federal law.

29 5. Any student alleging to be the target of an incident of bullying who has completed all
30 procedures required by the district's reporting policy and continues to be subjected to bullying shall
31 be informed by the district that he or she may seek other remedies. The information may include but
32 not be limited to informing the target or the target's parents or legal guardians of the possibility of
33 civil action against the individual alleged to be responsible for the bullying and against the parents or
34 legal guardians of that individual. The target and his or her parents shall also be informed that they
35 may request intervention by any other county, state, or federal agency or office that is empowered to
36 act on behalf of the target.

37 6. The state board of education is authorized to promulgate rules and regulations to
38 implement this section and shall develop model policies to assist local school districts in developing
39 policies for the prevention of bullying no later than September 1, 2014. Any rule or portion of a
40 rule, as that term is defined in section 536.010, that is created under the authority delegated in this
41 section shall become effective only if it complies with and is subject to all of the provisions of

1 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if
2 any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
3 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
4 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be
5 invalid and void."; and

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7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.